

04-340 SAN REMO HOTEL, ET AL. V. SAN FRANCISCO, CA, ET AL.

DECISION BELOW: 364 F.3d 1088 (9th Cir. 2004)

QUESTIONS PRESENTED

1. Is a Fifth Amendment Takings claim barred by issue preclusion based on a judgment denying compensation solely under state law, which was rendered in a state court proceeding that was required to ripen the federal Takings claim?
2. ~~Is deferential scrutiny, akin to rational basis test, appropriate for exactions imposed by legislation even though exactions imposed by administrative adjudications are subject to heightened scrutiny under Nollan v. California Coastal Commission and Dolan v. City of Tigard?~~

Cert. Granted 12/10/04
Limited to Question 1